

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TRACEY LIU, individually and on behalf of
all others similarly situated

Plaintiff,

v.

HOME DEPOT U.S.A., INC.

Defendant.

Case No. 2:23-cv-01217-JLR

**JOINT MOTION TO STAY PENDING
MEDIATION OF RELATED CASE AND
~~PROPOSED~~ ORDER**

NOTE ON MOTION CALENDAR:

October 4, 2023

JOINT MOTION

Plaintiff Tracey Liu (“Plaintiff”) and Defendant Home Depot, U.S.A., Inc. (“Home Depot”) hereby submit this joint motion to stay all case deadlines pending mediation and settlement discussions in the similar litigation styled *Rudham v. Global Custom Commerce, Inc. et al.*, No. 3:23-cv-00152 (S.D. Cal.) (“*Rudham* Litigation”). In support of this motion, the parties state as follows:

1. Plaintiff filed her Complaint in this Court on August 9, 2023.
2. Home Depot’s current deadline to respond to the Complaint is October 9, 2023.
3. The *Rudham* Litigation was filed on January 26, 2023, seeking to represent a class of individuals who made purchases from the websites Blinds.com, AmericanBlinds.com, and JustBlinds.com operated by Home Depot U.S.A., Inc. d/b/a Global Custom Commerce, Inc.
4. The allegations in the *Rudham* Litigation are substantially similar to those at issue in this litigation, and the plaintiff in the *Rudham* Litigation is also represented by Dovel & Luner LLP.

STIPULATED MOTION TO STAY
PENDING MEDIATION OF RELATED CASE
AND ~~PROPOSED~~ ORDER

CASE NO.: 2:23-cv-01217-JLR

King & Spalding LLP
1180 Peachtree Street N.E., Suite 1600
Atlanta, GA
Phone: 404-572-4600 Fax: 404-572-5100

5. On September 25, 2023, the parties to the *Rudham* Litigation attended a mediation before Bruce Friedman of JAMS and made substantial progress toward reaching a potential resolution.

6. The parties intend to continue their settlement discussions in the *Rudham* Litigation and continue working with Mr. Friedman.

7. Class certification deadlines in the *Rudham* Litigation have been stayed pending these settlement discussions. *See* Dkt. 31, *Rudham v. Global Custom Commerce, Inc. et al.*, No. 3:23-cv-00152 (S.D. Cal.).

8. The potential resolution of the *Rudham* Litigation is likely to have an impact on the instant litigation given the similarity of the claims and allegations in the two cases, and the parties respectfully submit that granting a brief stay of the instant litigation in order to allow them to focus on the potential resolution of the *Rudham* Litigation will conserve the resources of the parties and promote judicial efficiency.

9. This Court has inherent power to control the disposition of causes of action on its docket in a manner which will promote economy of time and effort for itself, for counsel, and for litigants. *See Jinni Tech Ltd. v. RED.com*, No. C17-0217JLR, 2018 WL 5312200, at *3 (W.D. Wash. Oct. 26, 2018) (quoting *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962)).

10. As part of this inherent power, the Court has broad discretion to stay proceedings. *Id.* (quoting *Clinton v. Jones*, 520 U.S. 681, 706-07 (1997)).

11. A stay is appropriate where, as here, pending resolution of an independent proceeding bears upon the present case, even if the other proceeding does not control the outcome of the litigation. *Id.* (citing *Leyva v. Certified Grocers of Cali, Ltd.*, 593 F.2d 857, 863-63 (9th Cir. 1979) (staying proceeding pending resolution of related California litigation)).

12. In considering a stay, this Court weighs: (1) possible damage which may result from the granting of a stay; (2) the hardship or inequity which a party may suffer in being required to go forward; and (3) the orderly course of justice measured in terms of simplifying or complicating of issues, proof, questions of law which could be expected to result from a stay. *Id.*

13. Here, each factor weighs in favor of a stay. The parties agree that a stay pending additional settlement discussions in the *Rudham* Litigation is the most efficient path forward and will conserve the resources of the parties and the Court.

14. This is the first request for a stay in this action and will not affect any dates currently set by the Court, Local Rules, or Federal Rules of Civil Procedure, except Home Depot's deadline to respond to the Complaint.

WHEREFORE, Plaintiff and Home Depot respectfully request that the case be stayed pending mediation and settlement discussions in the *Rudham* Litigation. The parties shall file a status report on or before November 8, 2023 (thirty days from Home Depot's current deadline to respond to the Complaint) informing the Court of the status of settlement discussions in the *Rudham* Litigation and the parties' progress regarding a potential resolution, or requesting the stay be lifted and a new deadline be set for Home Depot to respond to the Complaint.

Dated: October 4, 2023

Respectfully submitted,

By: Allexia Bowman Arnold
 Allexia Bowman Arnold, WSBA No. 54902
KING & SPALDING LLP
 1180 Peachtree Street NE, Suite 1600
 Atlanta, GA 30309
 Telephone: +1 404 572 4600
 Facsimile: +1 404 572 5100
 aarnold@kslaw.com

Counsel for Defendant Home Depot U.S.A., Inc.

By: Simon Franzini
 Simon Franzini (*pro hac vice*)
 Christin K. Cho (*pro hac vice forthcoming*)
 Grace Bennett (*pro hac vice forthcoming*)
DOVEL & LUNER LLP
 201 Santa Monica Blvd, Suite 600
 Santa Monica, CA 90401
 Telephone: +1 310 656 7066
 Facsimile: +1 310 656 7069
 simon@dovel.com
 christin@dovel.com
 grace@dovel.com

1 Wright A. Noel, WSBA No. 25264
2 **CARSON & NOEL, PLLC**
3 20 Sixth Ave NE
4 Issaquah, WA 98027
5 Telephone: +1 425 395 7786
6 Facsimile: +1 425 837 5396
7 wright@carsonnoel.com

8 *Counsel for Plaintiff Tracey Liu*
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STIPULATED MOTION TO STAY
PENDING MEDIATION OF RELATED CASE
AND ~~PROPOSED~~ ORDER

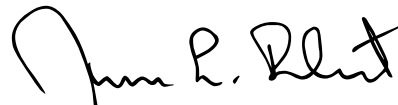
CASE NO.: 2:23-cv-01217-JLR

King & Spalding LLP
1180 Peachtree Street N.E., Suite 1600
Atlanta, GA
Phone: 404-572-4600 Fax: 404-572-5100

~~PROPOSED~~ ORDER

Upon consideration of the parties' Joint Motion to Stay Case Pending Mediation of Related Case ("Joint Motion"), and having found good cause, it is HEREBY ORDERED that the parties' Joint Motion is GRANTED. All pending case deadlines are hereby STAYED. The parties shall file a status report on or before November 8, 2023 informing the Court of the status of settlement discussions in the *Rudham* Litigation and the parties' progress regarding a potential resolution, or requesting the stay be lifted and a new deadline be set for Home Depot to respond to the Complaint.

Dated this 4th day of October, 2023.



HON. JAMES L. ROBERT
United States District Judge

Presented by:

/s/ Alexia Bowman Arnold

Alexia Bowman Arnold, WSBA No. 54902

KING & SPALDING LLP

1180 Peachtree Street NE, Suite 1600

Atlanta, GA 30309

Telephone: +1 404 572 4600

Facsimile: +1 404 572 5100

aarnold@kslaw.com